July 31, 1970

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Correspondence with Mr. Harold Weisberg.

L - Mr. Robert J. Yock

Attached is a new draft of a letter to Mr. Weisberg in reply to those letters from him that involve the "memorandum of transfer" of the autopsy materials. I would like to inquire whether it would not be best to give the reason for withholding the memorandum which is given in the draft. The question of the availability of the memorandum could then be decided by the Department of Justice or by the courts if Mr. Weisberg chooses to file suit.

Sincerely,

JAMES B. RHOADS
Archivist of the United States

cc: Official file - NND
Reading file - NNDC
Day file - N

MJohnson/mmm

NNDC 70 ; NNDC70-198: NNDC70 : NNDC71-4

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DRAFT

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July 28, 1970

Mr. Harold Weisberg
Coq d'Or Press
Route 8
Frederick, Maryland 21701

Dear Mr. Weisberg:

This is in reply to your letters of March 13, April 24, May 18, and July 2, 1970.

We have an electrostatic copy of the Government copy of the "memorandum of transfer" of the materials relating to the autopsy of President Kennedy. This copy is withheld from research under the terms of 5 U.S.C. 552, subsection (b)(6), as ~~a document similar to a medical record,~~ the disclosure of which would constitute a clearly unwarranted invasion of ~~the~~ personal privacy of the family of President Kennedy.

The published information concerning procedures under the "Freedom of Information Act" which we sent you does not prescribe the use of a form in requesting documents under the act. We have no form for this purpose. Any request which clearly identifies the document ~~requested~~ is sufficient.

The Secret Service index, which we assume you have in mind in your reference to cards, lists Secret Service Control Nos. 61, 127, 407.

(p. 19; "Dave Farrie"), 449, 620, 712, and 916 (p. 85-86) for David W. Ferrie. The index lists Control Nos. 620 and 712 for Alvin Beaubouef and Melvin Coffey and 916 for Beaubouef alone. There is no entry for Layton Martens. ~~We do not have~~ have not been found among the records in our custody. Control Nos. 127, 712, and 916, Control Nos. 61, 407, 449, and 620 are in Commission Document 87.

The first two of the four memoranda by Arlen Specter relating to the autopsy of President Kennedy were made available for research in December 1966. We do not have any raw material for the panel reports on the material relating to the autopsy of President Kennedy, nor do we know where any is located. The X-rays and photographs relating to the autopsy of President Kennedy have been made available to the doctors who perofrmed the autopsy and to those who reviewed the materials for the Attorney General in 1968. Related papers received with the deed of gift of the autopsy materials and clothing of President Kennedy by the Kennedy family consisted of the Kennedy family's copy of the "memorandum of transfer" and two other papers. These three papers are the property of the Kennedy family and are in the National Archives Building with other Kennedy papers for safekeeping until they are transferred to the Kennedy Library. Requests for access to them should be addressed to Mr. Burke Marshall.

You stated in your letter of March 13 that you intended to submit a numerical list of records concerning which you wish to appeal to the Director of Information of the General Services Administration. We have not received this list. You may send your list to the Director of Information if you wish.

We shall appreciate it if you will send us copies of the newspaper stories of February 24, 1967, or any other date, which contained a report attributed to this agency that there was a total of 40 pages relating to David W. Ferrie in our custody. ~~To our knowledge~~ This information was not furnished by anyone connected with this agency. The only report containing this information that we have found ~~for~~ ~~carried~~ quoted a statement by District Attorney Garrison of New Orleans that there were 40 pages relating to the interrogation and report on Ferrie in the National Archives. As you know, this information was available to Mr. Garrison's researcher in the index to CD 75. (New York Times, February 23, 1967.)

As we informed you in our letter of March 12, we sent you copies of records that you requested that we located. The copies included the entire Burley name file. As we have often stated, we will make records available to you in our research rooms, to the extent that we can, to do the document-by-document searching for additional material or information which we cannot do.

It is not clear what you wanted from Commission Document 1140 if you did not want any of the pages we sent you. These pages, with pages 2 and 3 which were the only pages you specified you did not want, compose the entire document. The document relates to the investigation of Dr. Penabaz's statement that he had seen a Cuban cartoon which depicted the death of President Kennedy about a week before the assassination. We have credited 40 cents to your account for the two pages in CD 301 and two in CD 1107 which you already had.

If 5" X 7" prints showing enlargements made from negatives we prepared from prints of Commission Exhibits 394 and 395 will be satisfactory, we can furnish these to you. Our photographs other than 8"X10" prints would not be satisfactory.

As we have informed you, we do not have the original FBI negatives for Commission exhibits. If you want enlargements from the FBI negatives, your request should be addressed to the FBI. We will also prepare photographs of the damaged area on the knot of the necktie in CE 895 which we will show you in the National Archives Building without furnishing prints to you.

The following numbered Commission documents are missing: 61; 102 except parts o, t, u, w, z, aa, and bb; 369; and 1458 except the attachments. Because the time expended by our staff on the records of the Warren Commission is already extensive, we do not feel that we can undertake the additional task of securing documents that are not in our custody from other agencies.

There is no list of the files described in entry 10 of the inventory of the records of the Commission.

Enclosed are a print and a negative of a photograph of the base of the bullet in Commission Exhibit 399 that we prepared for Dr. John Nichols. It was the similarity of photographs we had prepared for him to the photograph of which you sent us an electrostatic copy with your letter of December 12, 1969, that caused us to believe that the photograph shown in the electrostatic copy was one we had prepared for Dr. Nichols. We think now that photograph was taken for you. We regret this error very much.

Thanks by M

You have copies of all covering letters you request except one, dated March, 1970. This letter is withheld from research under the terms of 5 U.S.C. 552, subsection (b)(5), as an inter-agency letter, because of informal exchanges [illegible]

Nothing has been removed from the name file for David Ferrie except the pages in the file that are withheld under the guidelines relating to ~~these~~ the Commission's records. These pages, all in Commission Document 75, were listed in our letter to you of March 12, 1970.

The memorandum of January 15, 1964, had been removed from the file of memoranda concerning staff meetings and conferences before your examination of the file.

In regard to your letter of July 3, we have nothing to add to what we said in our letter of July 1.

Some questions you ask have been answered in previous correspondence. Enclosed is a copy of the regulations for the public use of records in our custody. As you will note on page 8, it is our policy to furnish information concerning records when the time required to do so is not excessive. The time required to furnish the remaining information requested in these letters combined with the time required to furnish the information you have requested in the past is excessive. We regret that we cannot continue, in fairness to other researchers, to correspond with you to the extent that you apparently desire, ~~on the present basis.~~ It appears that your continuing interest in matters relating to the assassination of President Kennedy is so extensive that your research purpose could be best accomplished by an examination or reexamination of the basic records that we will make available to you in the National Archives.

We will continue to furnish you copies of records by correspondence when we can do so without spending too much time in locating the records. We will also notify you when specific documents you request are withheld from research, with the reason for withholding, and when specific documents you have requested later become available.

~~We regret the delay in answering your letters, but part of this delay has been caused by~~ the number of your letters ~~and the length of most of them~~. If you wish to send us long letters for purposes of comment or argument, we have no objection to receiving them but cannot undertake to answer them. Merely to read these letters is time-consuming. Your specific requests for copies of documents, instead of being scattered through these letters, should be listed separately and as briefly and clearly as possible.

Sincerely,

JAMES B. RHOADS
Archivist of the United States